

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

JOE ZEITCHICK,) 3:06-CV-0138-ECR-VPC (Base File)
Plaintiffs,) 3:06-CV-0642-ECR-VPC (Member File)
vs.)
CAROL LUCEY and HELAINE JESSE) MINUTES OF THE COURT
Defendants.) DATE: June 11, 2010
)
)

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Plaintiff seeks an order prohibiting Defendants from calling Charles M. Salter as an expert witness and/or mentioning Mr. Salter's expert report. Plaintiff objects to Mr. Salter's report and testimony on the following basis: First, Plaintiff claims that though Mr. Salter is an acoustical expert, he failed to follow the principles and methods set forth by the Air-Conditioning & Refrigeration Institute and the standards Mr. Salter based his methodology on. Second, Plaintiff argues that Mr. Salter is not a rebuttal expert and thus his expert report was not timely disclosed. Plaintiff's only argument with respect to whether Mr. Salter is a rebuttal expert is that Mr. Salter was disclosed as a witness and rebuttal witnesses are not required to be disclosed.

Plaintiff's concerns regarding Salter's methodology or application thereof can be explored by Plaintiff on cross-examination. Defendants will only be permitted to present Salter's report and testimony to rebut the testimony and report of Plaintiff's acoustical expert.

IT IS, THEREFORE, HEREBY ORDERED Plaintiff's motion in limine re Salter report (#165) is **DENIED** on the following basis. Defendants are only permitted to present Salter's report and testimony to rebut the testimony and report of Plaintiff's acoustical expert.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk